

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**KEITH VONFELDT**

Claimant

VS.

**IFR, INC.**

Respondent

AND

**GRANITE STATE INSURANCE/  
AMERICAN INTERNATIONAL ADJUSTING CO.**

Insurance Carrier #1

AND

**ST. PAUL FIRE & MARINE INSURANCE**

Insurance Carrier #2

Docket No. 186,455

**ORDER**

This matter comes on before the Workers Compensation Appeals Board upon the request of the respondent for review by the Workers Compensation Appeals Board on an Order issued May 17, 1994, by Benefit Review Officer Gregory E. Skinner.

**APPEARANCES**

There were no appearances as the Appeals Board has decided this matter without need for oral argument by the attorneys of record.

**RECORD**

The only record to be considered in this matter is the May 17, 1994, Order of Benefit Review Officer Gregory E. Skinner.

### **ISSUES**

- (1) Whether the Workers Compensation Appeals Board has jurisdiction to review orders of benefit review officers which have not proceeded to preliminary hearing before an Administrative Law Judge.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon the evidence presented, and the applicable statutory authority, the Workers Compensation Appeals Board finds as follows:

- (1) K.S.A. 44-5,114(e) states:

"If there is a dispute as to which of two or more insurance carriers is liable for compensation for one or more compensable injuries, the benefit review officer may issue an interlocutory order directing each insurance carrier to pay a proportionate share of benefits due pending a final decision on liability."

A review of the file clearly indicates "no final decision on liability" has been made in this matter. It would also appear as though the benefit review officer was well within his authority to make the findings contained in the May 17, 1994, Order, regarding the responsibility of the insurance carriers involved in this litigation.

K.S.A. 44-551(b)(1) states in part:

"All acts, findings, awards, decisions, rulings or modifications of findings or awards made by an administrative law judge shall be subject to review by the board upon written request of any interested party within 10 days...." (Emphasis added.)

K.S.A. 44-555b(a) states in part:

"There is hereby established the workers compensation board. The board shall have exclusive jurisdiction to review all decisions, findings, orders and awards of compensation of administrative law judges under the workers compensation act." (Emphasis added.)

No authority is granted to the Workers Compensation Appeals Board to review acts, findings, decisions or orders of benefit review officers. Unless and until the actions of the benefit review officer proceed to hearing and are ruled upon by an Administrative Law Judge, the Appeals Board lacks the jurisdiction to consider any actions of the benefit review officers.

### **AWARD**

**WHEREFORE**, the Application for Review by the Director, and/or Board of Review filed by the respondent and American International Adjusting Company on June 2, 1994, is hereby dismissed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of June, 1994.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

cc: Terry J. Torline, 220 W Douglas, 300 Page Court, Wichita, Kansas 67202-3194  
Vincent A. Burnett, 300 W Douglas, Suite 500, Wichita, Kansas 67202-2909  
Gregory E. Skinner, Benefit Review Officer  
George Gomez, Director